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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6120/2026, CM APPL. 30141/2026 & CM APPL. 30142/2026

SARIKA PANKAJ KALLAPetitioner
Through: Mr. Chanderkant Tyagi, Advocate
(through VC).

versus

TATA POWER DELHI DISTRIBUTION
LIMITED & ORS.Respondents
Through: Mr. Manish Srivastava, Mr. Moksh
Arora, Mr. Santosh Ramdurg and
Mr. Amit Singh, Advocates for
TPDDL
Ms. Rachita Garg, Advocate for
State/R-3

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
05.05.2026

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1. The present writ petition has been filed seeking quashing of the speaking order dated 3rd December, 2025 passed by the respondent no.2/ Enforcement Assessment Cell, Tata Power Delhi Distribution Limited (TPDDL) and the subsequent order dated 9th April, 2026 passed by the Appellate Authority i.e., respondent no.3/ Additional District Magistrate (District Central North) whereby the appeal filed by the petitioner against the said speaking order has been dismissed.
2. In the present case, a speaking order has been passed on 3rd



December, 2025 by the respondent no.2/ Enforcement Assessment Cell, TPDDL under Section 135 of the Electricity Act, 2003 ('Electricity Act'), which specifically deals with the cases of theft of electricity. In this regard, the relevant finding in the speaking order is set out below:

“On the basis of the evidence mentioned above, the findings mentioned on inspection report and the consumption pattern (i.e. 16.98 %), case of theft of the electricity has been established against you u/section 135 of the Electricity Act, 2003. It is important to note that there was a significant increase in consumption immediately following the meter replacement.”

3. Against the aforesaid order, the petitioner filed an appeal under Section 127 of the Electricity Act before the Appellate Authority, i.e., Additional District Magistrate (District Central North). *Vide* order dated 9th April, 2026, the Appellate Authority dismissed the appeal on the ground that the case has been booked under Section 135 of the Electricity Act and the Appellate Authority under the Act does not have the jurisdiction in cases pertaining to Section 135 of the Electricity Act.

4. Mr. Manish Srivastava appearing on behalf of the respondent-TPDDL has handed over a copy of the order dated 1st July, 2024 in W.P.(C) 9215/2007 titled as **Kishan Singh Shokeen v. BSES Rajdhani Power Ltd.** and other connected writ petitions. The relevant paragraphs of the said order are set out below:

*“8. Considering the case in hand, the dispute involves certain questions of facts like whether the meter itself was tampered and as to who was responsible for the same. These issues are highly contentious. Therefore, on the conspectus of the settled legal position as enunciated above, it is amply clear that since, **the petitions at hand, involve various disputed questions of facts which would require a shred of evidence to be laid by the concerned party and a meticulous examination of such evidence before deciding such dispute. The Court, therefore, is not inclined to adjudicate such disputes in writ jurisdiction.***

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12. Therefore, in view of the observations made hereinabove, the petitioners are granted liberty to approach the Civil Court or avail any other remedy, available as per law, for ventilation of his/her grievances.”

[emphasis supplied]

5. A perusal of the aforesaid order shows that the matters such as electricity theft and meter tampering involve disputed questions of fact which require proper evidence to be adduced and meticulously examined, which cannot be adjudicated in writ proceedings.

6. In view thereof, the present writ petition is disposed of while granting liberty to the petitioner to approach the Civil Court or avail any other remedy that may be available in law.

7. The pending applications also stand disposed of.

AMIT BANSAL, J

**MAY 5, 2026
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